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Dated: August 27, 2004

Signature: 
(Lisa D. Michaud)

Docket No.: 101896-275 (DEP-5240)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Robert E. Simonson
Application No.: 10/024,221 **Conf. #:** 2150
Filing Date : October 30, 2001
Title : NON CANNULATED DILATORS

Group Art Unit: 3731

Examiner: K. T. Truong

MS PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08 and enclosed herewith. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Please note that the following citations are commonly-owned applications on related inventions, the prosecution of which may be relevant to the pending application:

- U.S. Patent No. 6,159,179 entitled "Cannula and Sizing Insertion Method"
- U.S. Publication No. 2002-0123668 entitled "Retractor and Method for Spinal Pedicle Screw Placement"
- U.S. Publication No. 2003-0083688 entitled "Configured and Sized Cannula"
- U.S. Publication No. 2003-0187431 entitled "Apparatus and Method for Targeting for Surgical Procedures"
- U.S. Patent Application No. 10/165,991 of Simonson entitled "Cannula and Sizing Insertion Method" (a copy of this application is NOT enclosed herewith because this application is a Reissue of U.S. Patent No. 6,159,179, which is enclosed herewith)
- U.S. Publication No. 2003-0236447 entitled "Retractor and Method for Spinal Pedicle Screw Placement" (continuation-in-part of U.S. Publication No. 2002-01236688)

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

This Information Disclosure Statement is filed after filing a Request for Continued Examination (filed August 12, 2004) and thus before the mailing of a first Office Action on the merits. Accordingly, no fee is believed to be due. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 101896-275.

Dated: August 27, 2004

Respectfully submitted,

By 
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<p>Substitute for form 1449A/B/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p><i>(Use as many sheets as necessary)</i></p>				<p>Complete if Known</p>	
				Application Number	10/024,221-Conf. #2150
				Filing Date	October 30, 2001
				First Named Inventor	Robert E. Simonson
				Art Unit	3731
				Examiner Name	K. T. Truong
Sheet	1	of	1	Attorney Docket Number	
101896-275 (DEP-5240)					

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ²Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
		Sofamor Danek, "MED MicroEndoscopic Discectomy System" (1997)

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¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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